

Chapter 895 HORSE-DRAWN CARRIAGES*

***Editor's note:** G.O. 51, 2001, §§ 1, 2, adopted June 4, 2001, states that G.O. 138, 1996 and G.O. 183, 1997 is amended by the deletion of the expiration date of July 1, 2001 and July 1, 2002, respectively, as provided in section 16 and section 29, respectively, thereof. It is the intent of this ordinance that the provisions of G.O. 138, 1996 and G.O. 183, 1997 which amended the "Municipal Code of Indianapolis and Marion County, Indiana" and the "Revised Code of the Consolidated City and County" shall not expire, but shall remain in full force and effect, and as they may have been amended, renumbered, or recodified since the effective date thereof.

Editor's note: G.O. 97, 1999, § 1, passed by the city-county council on Aug. 2, 1999, amended this chapter in its entirety to read as herein set out. See the Code Comparative Table.

Cross references: Traffic, ch. 441; animals and fowl; ch. 531; motor vehicles, ch. 611; public rights-of-way, ch. 645; kennel, pet shop and stable registrations, ch. 836; public vehicles for hire, ch. 996.

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Sec. 895-1. Registration required; fee.

(a) It shall be unlawful for a person to operate, or cause to be operated, a horse-drawn carriage upon the streets of the city for the purpose of transporting persons for hire or as a contractual service, unless the carriage first is registered with the controller as provided in this chapter.

(b) The annual fee for registration of a horse-drawn carriage shall be twenty dollars (\$20.00).

(G.O. 97, 1999, § 1; G.O. 87, 2004, § 6)

Sec. 895-2. Registration information required.

(a) Registrations of horse-drawn carriages shall be made with the controller on forms provided by the controller, and the registrant shall be the owner or operator of the carriage. In addition to the information required by section 801-203 of this Code, the registration shall contain the following information:

(1) The seating capacity, manufacturer, and scale drawing or photograph of each carriage to be registered;

(2) The name, age, address, and state motor vehicle operator's license number of each person who will act as a coachman on any registered carriage, along with written evidence of such person's experience in driving a horse-drawn carriage, or his or her

successful completion of a course in such driving given by a source approved by the controller, or both;

(3) Whether the registrant has ever been convicted of a felony, if the registrant is an individual; whether any of the partners have been convicted of a felony, if the registrant is a partnership; and whether any of the officers or directors have been convicted of a felony, if the registrant is a corporation;

(4) The site or sites off-street to be used to store, stable, and load carriages and horses; and

(5) A schedule of rates and charges to be made to passengers.

(b) The information on the registration form shall be verified under oath and include a written agreement by the registrant to operate the carriage, if registered, strictly in accordance with section 895-8 of this Code, and to indemnify and hold harmless the city for all judgments, losses and expenses arising out of the operations permitted by the registration.

(G.O. 97, 1999, § 1)

Sec. 895-3. Certificate of registration; issuance, term and renewal.

(a) Upon the receipt of a completed registration form, the qualification of the registrant's coachmen under section 895-6 of this chapter, and the filing of a bond or insurance under section 895-9 of this chapter, the controller shall issue a certificate of registration for each registered carriage.

(b) Registrations of horse-drawn carriages under this chapter shall be valid for a period of one (1) year, with an expiration date of June 30.

(c) If the controller finds that the registrant of a horse-drawn carriage remains qualified and has operated as required by this chapter, the controller shall renew the registration automatically and without application for renewal by the registrant, unless at the time of renewal:

(1) The registration has been revoked or suspended;

(2) The registration is the subject of administrative or judicial proceedings which have the potential to result in the revocation or suspension of the registration, in which case the registration may continue in effect until the conclusion of the administrative or judicial proceedings; or

(3) The registrant has not paid the registration fee for the following year.

(G.O. 97, 1999, § 1; G.O. 87, 2004, § 7)

Sec. 895-4. Restrictions on hours of operation, and streets.

(a) It shall be unlawful for a person to operate a horse-drawn carriage upon any public street in the city between the hours of 6:00 a.m. and 9:00 a.m., or 3:00 p.m. and 6:00 p.m., except on Saturdays, Sundays and city holidays.

(b) The controller shall consult the directors of the city departments of capital asset management and public safety with respect to which public streets would be unsafe or inappropriate for use by horse-drawn carriages. Upon a finding that the operation of a horse-drawn carriage would present a hazard to the public safety on certain city streets or ways or would otherwise jeopardize the public welfare, the controller shall by regulation prohibit the operation of horse-drawn carriages upon those streets.

(c) The operation of horse-drawn carriages upon any public street and at any time may be

prohibited by the director of the city department of public safety when such operation would be inconsistent with other special events or public safety requirements, by giving forty-eight (48) hours' advance written notice of such prohibition.

(G.O. 97, 1999, § 1)

Sec. 895-5. Designation of holding areas.

(a) The director of the department of public safety, upon consultation with the director of the department of public works, may from time to time designate certain areas of the public right-of-way as holding areas for horse-drawn carriages, and the days and hours when such holding areas may be used exclusively by horse-drawn carriages. Such designations shall be made in consideration of the following:

- (1) Public safety issues, including the flow of pedestrian and motor vehicle traffic;
- (2) The suitability of such areas as places for horse-drawn carriages to pick up or discharge passengers, or to stop or stand when not carrying passengers; and
- (3) The reasonable interests of adjacent residents and businesses.

(b) The department of public works shall cause appropriate signs to be placed at each end of holding areas designated under this section, indicating the days and hours when such holding areas may be used exclusively by horse-drawn carriages. When such signs are posted, it shall be unlawful for a person to park, stop or leave standing a motor vehicle in such a holding area.

(c) No more than one (1) carriage owned or operated by the same registrant may stop or stand at the same time in a holding area designated under this section.

(G.O. 97, 1999, § 1; G.O. 15, 2001, § 143)

Sec. 895-6. Qualification of coachmen.

(a) It shall be unlawful for a registrant under this chapter to cause, suffer or allow the operation of a horse-drawn carriage upon any public street in the city by a person, referred to in this chapter as a *coachman*, until the controller first investigates such person's character, and such person first demonstrates to the controller that he or she is:

- (1) Able to speak, read and write the English language;
- (2) The holder of a valid motor vehicle operator's license issued by the state;
- (3) Free of defective vision, defective hearing, and any other infirmities that would render the coachman unfit for safe operation of a public vehicle; and
- (4) Free of alcohol or drug addiction.

(b) The controller may require the coachman to demonstrate the ability to drive a horse-drawn carriage and, by test or otherwise, the coachman's knowledge of the requirements of this chapter.

(G.O. 97, 1999, § 1)

Sec. 895-7. Required construction and equipment of carriages.

It shall be unlawful for a registrant under this chapter to cause, suffer or allow the operation of a horse-drawn carriage upon any public street in the city unless such carriage shall:

- (1) Have spoked wheels no more narrow than one and one-fourth (1 1/4) inch, with a rubber covering thick enough to protect the streets from damage and to keep noise to a minimum;
- (2) Be equipped with taillights and rear turn signals;
- (3) Be equipped with front lights on both sides that will emit light to the front and side that will be visible from a distance of five hundred (500) feet;
- (4) Have attached to the rear of the vehicle a slow-moving vehicle sign approved by the state; and
- (5) Not be larger in capacity than to transport six (6) passengers.

(G.O. 97, 1999, § 1)

Sec. 895-8. General requirements of operation.

Horse-drawn carriages shall be operated only in accordance with the following provisions:

- (1) A registrant shall give the controller written notice within ten (10) days after a registered carriage, or coachman listed in the registration, is no longer used or employed by the registrant.
- (2) A copy of the certificate of registration shall be displayed in all carriages.
- (3) Each coachman shall carry an identification card or be wearing some type of visible identification at all times when operating such carriage.
- (4) Horse-drawn carriages shall pick up and discharge passengers only upon the curb lane, while lawfully parked at the curb.
- (5) Horse-drawn carriages, when in motion, shall be operated only in the curb-most traffic lane on any public street, and the coachman shall obey all applicable state and local traffic and parking laws, ordinances and regulations.
- (6) Coachmen shall carry rate cards and exhibit them on demand. Rate cards shall also be affixed to the carriage in a prominent location so as to advise prospective clientele of the rates and fares. Rate cards shall bear the name and business address of the registrant, and a complete schedule of rates and fares, which shall be the same as those on file with the controller. It shall be the responsibility of the registrant to provide rate cards to all coachmen and affix same to the carriages. Registrants shall give the controller written notice at least ten (10) days prior to any change in the rates and fares.
- (7) Horse-drawn carriage owners and operators shall maintain their horses in good health abiding by the rules of good animal husbandry. This shall include an annual health examination of each animal by a veterinarian of equine medicine licensed by the state. A copy of such examination shall be submitted to the controller to be placed on file.
- (8) Occupancy of a horse-drawn carriage shall not exceed the rated seating capacity of the carriage.
- (9) No passenger shall be allowed to ride on any part of the carriage while in motion except seated inside the carriage.
- (10) Coachmen shall not solicit patronage in a loud tone of voice or in any manner to annoy or obstruct the movement of a person, or follow a person for the purpose of soliciting patronage.
- (11) Coachmen are prohibited from smoking while carrying passengers.

(12) All horses must be shod with horse shoes that are either a rubber compound shoe, a steel shoe with borium or Drill-Tek on the street-gripping surfaces, or other type of shoe approved for use by the director of the department of public works.

(13) Each horse pulling a carriage on the city streets shall be equipped with manure-catching devices to prevent manure from falling to the street surface.

(14) Each carriage shall be equipped with a chemical to be poured over horse urine so as to break down and eliminate accumulated agents and odor, and coachmen shall use the chemical each time a horse urinates on the street surface.

(G.O. 97, 1999, § 1; G.O. 15, 2001, § 144)

Editor's note: Formerly § 895-5. See the Code Comparative Table.

Sec. 895-9. Public liability.

(a) Before the issuance of any certificate of registration or renewal of registration under this chapter, the registrant therefor shall post or maintain with the controller either an indemnity bond or a policy of public liability insurance, approved as to form by the corporation counsel and conditioned substantially that the registrant will indemnify and save harmless the city, its officers, agents and employees, from any and all loss, costs, damages or expenses, by reason of legal liability which may result from or arise out of the operation of a carriage for which a certificate of registration is issued, and that the registrant will pay any and all loss or damage that may be sustained by a person which results from or arises out of the illegal or negligent operation or maintenance of a carriage. The bond or policy of insurance shall be maintained in its original amount by the registrant at the registrant's expense at all times during the period for which the registration is in effect. In the event two (2) or more certificates of registration are issued to one (1) registrant, one (1) such bond or policy of insurance may be furnished to cover two (2) or more carriages and each bond or policy shall be of a type where coverage shall automatically be restored after the occurrence of any accident or event from which liability may thereafter accrue.

(b) The limit of liability upon any bond or policy posted under subsection (a) of this section shall in no case be less than one hundred thousand dollars (\$100,000.00) for death or injury of one (1) person, three hundred thousand dollars (\$300,000.00) for total liability for death or personal injury arising out of any one (1) event or casualty, and fifty thousand dollars (\$50,000.00) for property damage.

(c) Any bond posted under this section shall be accompanied by good and sufficient sureties approved by the controller.

(d) The controller shall notify the registrant under this chapter of any claim of which the city has notice, where such claim arises from the operation or maintenance of any carriage.

(e) The failure to maintain the bond or policy required under this section throughout the entire term of a registration shall constitute a violation of this Code.

(G.O. 97, 1999, § 1)

Sec. 895-10. Limitation on number of carriages in the downtown area.

(a) The council determines that to prevent disruption of the primary public uses of the city streets by pedestrians and motor vehicles, the number of carriages permitted in the downtown area should be limited. The controller shall authorize no more than twenty (20) registered carriages to operate in the area bounded by White River on the west, Eleventh Street on the

north, and I-70 on the east and south, referred to in this chapter as the *downtown area*. The authorization shall be in writing, and noted on a registrant's certificate of registration.

(b) If more than twenty (20) carriages are registered, the controller shall select carriages to be authorized to operate in the downtown area by random method until the maximum is reached.

(c) No registrant or other person may own, operate, or have a financial interest in more than eight (8) carriages authorized to operate in the downtown area.

(d) If the registration of a carriage is revoked or suspended for a period of three (3) months or more, or if the use of such carriage has been abandoned by the registrant, then an authorization for that carriage to operate in the downtown area shall terminate automatically. When such a termination occurs, the controller shall select, under the procedures provided by this section, another carriage to operate in the downtown area.

(e) It shall be unlawful for a registrant under this chapter to operate, or cause to be operated, a carriage in the downtown area unless the carriage is authorized to do so under this section.

(G.O. 97, 1999, § 1)

Sec. 895-11. Enforcement and penalties.

In addition to controller's hearings and any penalties the controller may impose, the first violation of any provision of this chapter in a twelve-month period, including but not limited to the operation upon any public street in the city of a horse-drawn carriage:

- (1) Which is not registered, or not in compliance with the requirements of sections 895-7 and 895-8 of this chapter;
- (2) By a coachman who is not qualified under section 895-6 of this chapter; and
- (3) In the downtown area without authorization under section 895-10 of this chapter;

shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of this Code. A person's second and subsequent violations in the twelve-month period are subject to the enforcement procedures and penalties provided in section 103-3 of this Code.

(G.O. 97, 1999, § 1)